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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,094	08/12/2002	Horst H. Bauch	221423US2PCT	4464
22850	7590	10/06/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			NGUYEN, THU V	
		ART UNIT	PAPER NUMBER	
		3661		

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,094	BAUCH, HORST H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 August 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 10-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 &amp; 9</u> .	6) <input type="checkbox"/> Other: _____ .

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## **DETAILED ACTION**

The preliminary amendment filed on August 12, 2002 has been entered. By this amendment, claims 1-9 have been canceled, claims 10-19 have been added and claims 10-19 are now pending in the application.

### ***Drawings***

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

The specification should include section headings such as “background of the Invention”, “Summary of the Invention”, etc.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The dependency status of claims 18-19 is ambiguous. The Preambles of the claims are drafted in the format of an independent claim. However, the limitations in line 1 are drafted as a dependent claim. It is not clear if the claims should be interpreted as independent or dependent claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky et al (US 5,751,245) in view of Tomkewitsch (DE 29 23 634).

As per claim 10, Janky discloses a mobile route monitoring unit which comprises: a data memory that stores route data (col.8, lines 27-32); a position sensor (col.10, lines 1-5); a processor for indicating possible route deviations (col.8, lines 32-35); a transmitter which sends messages to a control unit (col.8, lines 22-25; col.14, lines 65-67). Janky does not teach

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assigning route vectors to the route, and assigning the tolerance data in a vertical direction of a next route vector, and allowing selection of the length of the vector and the tolerance. However, Tomkewitsch teaches assigning route vectors to the route with the tolerance data is in a vertical direction of a next route vector (col.8, lines 14-44; fig.3). Further, allowing an ability to adjust the length of a vector and the width of the tolerance to fit the user's preference or to fit the system's constrain requires only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use vectors to represent the route the vehicle is to follow and to set the tolerant data in a vertical direction in the route data and tolerance data of Janky in order to allow the user to set tolerance limit at any section along a selected route.

As per claim 11-17, transmitting/receiving data over a GSM network voice channel, including a receiver to route data from a remote location, including a reader for reading data from a changeable storage medium, and changing the route data would have been well known.

As per claim 18, refer to claim 10 above. Further, Janky teaches a device for processing the route data (col.8, lines 32-35).

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As per claim 19, refer to claim 10 above. Further, since Janky teaches a communication unit including a cell phone that is well known to include a transmitter and a receiver (col.10, lines 42-45), Janky inherently teach the claimed receiver assigned to the transmitter.

***Cited Prior Arts***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Seymour (US 5,488,559) matching position data vector to map data (fig.2; col.3, lines 3-6).
  - b. Karunanidhi (US 6,108,603) position vectors and route data (fig.2; col.3, lines 1-11).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for this Group is (703)305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1111.



Thu Nguyen

September 27, 2003